



THE COMMONWEALTH OF MASSACHUSETTS
OFFICE OF CAMPAIGN & POLITICAL FINANCE

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MARY F. McTIGUE
DIRECTOR

April 9, 1992
AO-92-03

Mr. James Blodgett
State House
Room 237
Boston, MA 02133

Re: Attendance at Political Functions

Dear Mr. Blodgett:

This letter is in response to your February 11, 1992, letter requesting an advisory opinion regarding your attendance at various functions in your capacities as a legislative aide as well as a candidate in your own right.

It is my understanding that you are currently employed as a legislative aide. You are also considering a candidacy for public office. You have asked two questions. First, you ask if you can attend functions in Worcester in the evenings or on Fridays and go as Candidate Jim Blodgett rather than Legislative Aide Jim Blodgett. Second, you ask if you can go to such functions and represent both your employer and yourself. For example, you ask if you can introduce yourself as a candidate and also state where you work.

The campaign finance laws, as interpreted by the Supreme Judicial Court in Anderson v. City of Boston, 376 Mass. 178 (1978), appeal dismissed, 439 U.S. 1069 (1979) and by this Office prohibit the use of any governmental resource¹ to promote or oppose or otherwise influence the nomination or election of a candidate. This prohibition would prevent you from campaigning for yourself or any other candidate while being paid for performing your responsibilities as a legislative aide. Therefore, if you are attending a function at your employer's direction to fulfill your responsibilities as a legislative aide, you would be on official business and

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1. For purposes of the campaign finance laws, governmental resources include not only staff time but also stationery, supplies, offices, meeting rooms and other facilities, copiers, computers, telephones, fax machines, automobiles or other equipment purchased or maintained by the government.

could not utilize the time for campaign purposes. However, if you are attending a political function as a candidate and/or a supporter of your employer as a candidate, you could campaign for yourself and/or your employer. Finally, I would note that the Office does not interpret the campaign finance laws as forbidding the mere mention of your candidacy by others, for example, when introducing you to an audience at any function, official or political.

I would, however, caution you regarding certain aspects of the campaign finance laws which would be relevant if any of the referenced functions you plan to attend are fundraising events for either you or your employer.

First, persons employed for compensation by the Commonwealth, such as legislative aides, are prohibited by M.G.L. c.55, s.13 from directly or indirectly soliciting or receiving campaign contributions either for their own candidacy or for any other person's candidacy regardless of whether the candidacy is for a state or federal office. See FEC Advisory Opinion 1989-27 (concluding that the referenced portion of section 13 was not preempted by the Federal Election Campaign Act). See also OCPF Advisory Opinion AO-89-09.

Second, while you make no indication of such a plan in your letter, I would suggest that your political committee contact this Office if it is planning any functions which are or may be joint fundraising events between your political committee and your employer's political committee or any other political committee in order to avoid any problems regarding the statutory limitations on transfers between political committees. See M.G.L. c.55, s.1. See also Weld for Governor v. Director of Office of Campaign and Political Finance, 407 Mass. 761 (1990).

Finally, there are additional restrictions on public employee activities as well as protections with which you should be familiar. These are set forth in M.G.L. ss.14-17. For your information, I have enclosed copies of the OCPF's "A Guide to Political Activity for State, County and Municipal Employees" as well as an interpretative bulletin on this matter, OCPF-IB-91-01.²

Section 14 of M.G.L. c.55 states: "No person shall in any building or part thereof occupied for state, county or municipal purposes demand, solicit or receive any payment or

2. Because your questions may raise issues under M.G.L. c.268A, the conflict-of-interest law, I suggest that you also consult the State Ethics Commission. In addition, you should review this matter with House Counsel to determine if there are any House-imposed restrictions or limitations on your seeking public office while serving as a legislative aide.

Mr. James Blodgett
April 9, 1992
Page 3

gift of money or other thing of value for the purposes set forth in section thirteen."

Section 15 of M.G.L. c.55 states:

No officer, clerk or other person in the service of the commonwealth or of any county, city or town shall, directly or indirectly, give or deliver to an officer, clerk or person in said service, or to any councillor, member of the general court, alderman, councilman or commissioner, any money or other valuable thing on account of, or to be applied to, the promotion of any political object whatever.

Although the campaign finance laws do not prohibit you from personally making a contribution in support of a candidate, section 15 would preclude you from delivering monies or checks directly to the candidate, who is also a public employee or incumbent office holder. You could, of course, deliver your own contribution to an agent of the candidate's political committee.

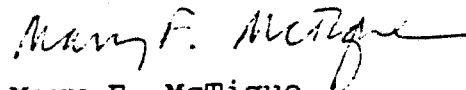
Section 16 of M.G.L. c.55 states: "No person in the public service shall, for that reason, be under obligation to contribute to any political fund, or to render any political service, and shall not be removed or otherwise prejudiced for refusing to do so."

Section 17 of M.G.L. c.55 states: "No officer or employee of the commonwealth or of any county, city or town shall discharge, promote, or degrade an officer or employee, or change his official rank or compensation, or promise or threaten so to do, for giving, withholding or neglecting to make a contribution of money or other valuable thing for a political purpose."

This opinion is based solely on the representations made in your letter and has been rendered solely in the context of M.G.L. c.55.

Please do not hesitate to contact this Office if you have any additional questions.

Very truly yours,



Mary F. McTigue
Director

Enclosures

cc: Andrew B. Crane, Executive Director
State Ethics Commission